



PUBLIC NOTICE

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Federal Communications Commission
1919 M St., N.W.
Washington, D.C. 20554

News media information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 97-1573

**COMMON CARRIER BUREAU ANNOUNCES COMMENT DEADLINE
REGARDING LOW TECH DESIGNS, INC. PETITIONS FOR ASSUMPTION
OF JURISDICTION PURSUANT TO SECTION 252(e)(5) OF
COMMUNICATIONS ACT AND DECLARES THOSE PROCEEDINGS
"PERMIT-BUT-DISCLOSE" FOR *EX PARTE* PURPOSES**

CC Docket Nos. 97-163, 97-164, and 97-165

Released: July 24, 1997

On July 11, 1997, Low Tech Designs, Inc. (LTD) filed three separate petitions requesting that the Commission assume jurisdiction, pursuant to section 252(e)(5) of the Telecommunications Act of 1934, as amended, (the Act) over arbitration proceedings that have been pending before the Georgia Public Service Commission (Georgia PSC), the Illinois Commerce Commission (Illinois Commission), and the Public Service Commission of South Carolina (South Carolina PSC). The petitions, respectively, concern LTD's efforts to obtain interconnection agreements with BellSouth Telecommunications, Inc. (BellSouth) in Georgia, Illinois Bell Telephone Company d/b/a Ameritech Illinois (Ameritech) in Illinois, and GTE South (GTE) in South Carolina.

In its petitions, LTD states that the requested agreements would allow it to use unbundled network elements associated with call-related databases to provide least-cost routing services for long distance calls. LTD also states that during August 1996, it requested BellSouth, Ameritech, and GTE to negotiate interconnection agreements with it for Georgia, Illinois, and South Carolina; and that it filed timely petitions for arbitration with the Georgia PSC, Illinois Commission, and South Carolina PSC in connection with the respective requests. LTD states further that on May 19, 1997, the Georgia PSC dismissed the petition for arbitration pending before it, based on LTD's asserted failure to show that it was a telecommunications carrier seeking to offer a telecommunications service; that on March 31, 1997, the Illinois Commission denied the petition for arbitration pending before it, based on LTD's failure to show that it was already actively offering telecommunications services somewhere in the United States; and that on March 4, 1997, the South Carolina PSC denied the petition for arbitration pending before it, based on LTD's failure to obtain a certificate of public convenience and necessity to provide local exchange service within South Carolina. LTD claims that as a result of these actions, the Georgia PSC, the Illinois Commission, and the South Carolina PSC have failed to arbitrate differences between LTD and the carriers with which it requests interconnection as required by section 252 of the Act.

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Section 51.803(a)(3) of the Commission's rules, 47 C.F.R. § 51.803(a)(3), permits "the applicable state commission and the parties to the proceeding" that gave rise to a petition to preempt under section 252(e)(5) of the Act to file responses to the petition within 15 days of the petition's filing. In accordance with that rule, we have initiated a separate proceeding for each of the LTD petitions. Each of the State commissions and the parties to individual state proceedings may file a response in the appropriate proceeding before this Commission by **July 28, 1997**. Each response should be filed with the Secretary, FCC, 1919 M Street, N.W., Washington, D.C. 20554. Responses should reference CC Docket No. 97-164 if filed in the Georgia proceeding, CC Docket No. 97-163 if filed in the Illinois proceeding, and CC Docket No. 97-165 if filed in the South Carolina proceeding. A copy of each response filed should also be sent to Janice Myles, Common Carrier Bureau, FCC, Room 544, 1919 M Street, N.W., Washington, D.C. 20554, and to the Commission's contractor for public service records duplication, ITS, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. LTD's petitions are available for inspection and copying during normal business hours in the FCC's Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554. Copies also can be obtained from ITS at 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, or by calling (202) 857-3800.

In examining LTD's petitions, the Bureau has concluded that the public interest would be served by modifying the applicable *ex parte* procedures in these cases to permit a fuller exchange on the legal and policy issues raised by those petitions. Therefore, in accordance with section 1.1200(a) of the Commission's Rules, 47 C.F.R. § 1.1200(a), as revised, these proceedings will be treated, for *ex parte* purposes, as "permit-but-disclose" proceedings and subject to the "permit-but-disclose" requirements under section 1.1206(b) of the rules, 47 C.F.R. § 1.1206(b), as revised.

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well. Interested parties should file with the Commission Secretary, and serve Janice Myles and ITS with copies of any written *ex parte* presentations or summaries of oral *ex parte* presentations in these proceedings in the manner specified above. We also require all written *ex parte* presentations or summaries of oral *ex parte* presentations in these proceedings to be served on all parties to the respective proceedings.

For further information contact Janice Myles, Policy and Program Planning Division, Common Carrier Bureau, at (202) 418-1577.

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